



Appeal Decision

Site visit made on 25 August 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2020

Appeal Ref: APP/L3245/W/20/3254049 Sedgeford, Edstaston, Wem, Shropshire SY4 5RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr John Dickenson against the decision of Shropshire Council.
 - The application Ref 19/05312/FUL, dated 3 December 2019, was approved on 2 April 2020 and planning permission was granted subject to conditions.
 - The development permitted is the formation of one additional vehicular access.
 - The condition in dispute is No 4 which states that: Vehicular access to the adjoining highway shall be limited to the new access only as indicated on drawing no SA35062_H01 Rev.B dated 13th November 2019 and the existing access shall be permanently closed in accordance with details to be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be completed before the new access is brought into use.
 - The reason given for the condition is: In the interest of amenity and highway safety.
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Decision

1. The appeal is allowed and planning permission Ref 19/05312/FUL for the formation of one additional vehicular access at Sedgeford, Edstaston, Wem, Shropshire SY4 5RG, granted on 2 April 2020 by Shropshire Council, is varied by deleting condition No 4.

Background and Procedural Matters

2. S79(1) of the Town and Country Planning Act 1990 allows me to allow or dismiss the appeal or reverse or vary any part of the decision (whether the appeal relates to that part or not) and I may deal with the application as if it had been made to me in the first instance.
3. The planning application sought permission for an additional vehicular access at the site to improve visibility on egress and avoid the necessity to carry out reversing manoeuvres within the highway by providing an in-out arrangement for vehicles. The approved plans show the proposed arrangement of both access points linked by an internal drive.
4. The Council sought the views of their highway advisors who supported the proposal subject to a requirement to implement the illustrated visibility splays. However, an additional condition to require the blocking up of the existing access was imposed by the Council in the interests of highway safety and amenity. The appellant's request to remove this condition would enable the existing access to be retained in addition to the proposed new access.
5. Condition 4 refers to plan number SA35062_H01 Rev.B which is not listed as an approved plan. A copy of this plan has been provided on request for completeness and I have considered it alongside the listed approved plans.

Main Issue

6. The main issue is the effect of retaining the existing vehicular access on highway safety.

Reasons

7. The site lies on a two-way national speed limit road (B5476) within a small cluster of development lying either side of the road. It is situated close to a junction with a small rural lane and adjacent to a substantial access serving properties and a farmstead located to the northwest. The carriageway curves in opposing directions on the main approaches from the north and south.
8. The position of the existing driveway is such that visibility in both directions is limited by the curvature of the adjacent road. The approved new access point would have the benefit of enabling increased visibility on egress in both directions and would be positioned further from the nearby road junction. Additionally, forward visibility to vehicles using the access from both approaches would be enhanced.
9. The Council's evidence recognises that the proposal would benefit from vehicles being able to leave the site in a forward gear and would provide suitable access geometry and internal arrangements to facilitate the safe use of the proposed access. Accordingly, there is no dispute between the parties that the proposal would provide improvements to highway safety in serving the appeal site.
10. However, the Council's report highlights that, in the absence of a mechanism to restrict vehicle movements in a manner that would prevent use of the existing driveway for egress, a highway safety concern would remain on account of its poorer visibility. Nevertheless, even if vehicles used the existing access in a reverse gear, despite having the ability to turn within the site, that situation would be no worse than the existing position in highway safety terms.
11. Whilst recognising that a second point of entry would introduce a further point of potential conflict for highway users, I find that the benefits of its provision against the limitations of the existing point of access would outweigh any harm arising from its continued use in conjunction with the proposed access.
12. For the above reasons, I conclude Condition 4 is not reasonable or necessary in the interests of highway safety. Without it the proposed development would be consistent with the requirements of Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) as it seeks to secure safe and accessible forms of development.

Conclusion

13. For the reasons given above, I conclude that the appeal should succeed, and the planning permission is varied by deleting the disputed condition.

R Hitchcock

INSPECTOR